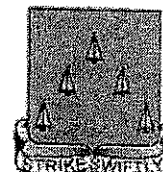




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DEPARTMENT OF THE ARMY
HEADQUARTERS, 2ND BATTALION, 70TH ARMOR
3D BRIGADE, 1ST ARMORED DIVISION
MAHMOUDIYA, IRAQ



AFZN-BB-T

28 MARCH 2005

MEMORANDUM FOR COMMANDER 256th BRIGADE COMBAT TEAM

SUBJECT: AR 15-6 (Shooting of Local National at the Traffic Control Point, Jafr As Sukr Bridge, Iraq)

1. Enclosed is the 15-6 investigation outlining the circumstances that resulted in the shooting of a local national. As a result of the incident one Iraqi citizen was killed. The shooting occurred in the vicinity of the traffic control point established on the Jafr As Sukr Bridge, Iraq on 28 March 2005.

2. SUMMARY:

On 280630MAR05 PFC [REDACTED] and SP [REDACTED] identified an individual traveling on foot from east to west along the Jafr As Sukr Bridge carrying a satchel. SP [REDACTED] and PFC [REDACTED] began yelling at the individual on foot in attempt to have the individual to stop and change his direction of travel (The individual had negotiated a triple strand concertina blocking obstacle prior to entering the verbal and visual warning line). The individual paused and faced SP [REDACTED] and PFC [REDACTED] at which point the soldiers began to motion with their hand and arms for the individual to turn around and exit the bridge from where he came from. The individual ignored the verbal and visual warnings from SP [REDACTED] and PFC [REDACTED] and continued to cross the bridge (moving in his original direction of travel). SPC [REDACTED] and PFC [REDACTED] continued to yell and motion for the individual to stop and to change his direction of travel as the individual entered the "Warning Shot Zone". When the individual entered the warning shot zone SP [REDACTED] fired one round at the bridge in front of the individual. At this point the individual paused again and faced SP [REDACTED] and PFC [REDACTED]. SP [REDACTED] and PFC [REDACTED] continued to shout and motion for the individual to turn around. The individual ignored the verbal and visual gestures for the second time and continued to travel west across the bridge. When the individual crossed the "Killing Shot Line" SP [REDACTED] gave PFC [REDACTED] the order to shoot to kill. PFC [REDACTED] acknowledged and fired one round from his M16A2. SP [REDACTED] and PFC [REDACTED] both observed the individual fall to the ground. SPC [REDACTED] informed his chain of command and continued to observe the individual. The QRF was alerted and dispatched to the bridge. When the QRF arrived at the site of the fallen individual they approached with caution not sure what the individual's satchel contents were. The individual was observed lying motionless (no breathing or any other form of movement could be observed). The QRF cleared the immediate area and the satchel of its contents and attempted to provide initial responder care to the individual.

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The brother of the individual came and claimed the body. During the interview of the brother it was discovered that the individual is a local resident and is aware that the bridge was closed for sometime to all forms of traffic.

3. FACTS:

- a) How many local nationals were involved in the incident?
 - a. One Iraqi citizen was involved in the incident.
 - 1x KIA (1x Adult Male)
- b) When and where was the first warning shot(s) fired?
 - a. 1x-warning shot was fired in front of the individual.
- c) By what means is the unit marking the trigger lines for initiating warning, disabling and lethal fires?
 - a. Jersey Barriers mark the trigger line as to when to initiate warning fires.
 - b. Texas Barriers mark the trigger line as to when to initiate killing shots.
- d) Are there warning signs posted at the bridge?
 - a. The blocking position is clearly marked and warning signs are posted in both Arabic and English.
- e) When did the soldiers last receive / conduct traffic control point training?
 - a. The soldiers involved in the incident received and conducted the following ROE and traffic control point / training briefings:
 - Pre-NTC ROE Training (OCT 04)
 - NTC RSOI and rotational ROE Training (OCT/NOV 04)
 - Home Station ROE Training (Pre-deployment training JAN 04)
 - Kuwait RSOI ROE Vignette Training (FEB 05)
 - ECP/TCP Duties: NTC (OCT/NOV 04)
 - ECP/TCP Duties: Safr As Sukr Bridge, Iraq during the Left Seat/Right Seat Ride (MAR 05)
 - ECP/TCP Duties: Safr As Sukr Bridge, Iraq Guard Force and Threat Briefing (SPC [REDACTED] and PF [REDACTED] 280334MAR05)
- f) Was the guard mount briefed on their duties responsibilities and threat in the area of operations prior to execution of their duties?
 - a. The guard mount received its shift briefing and threat briefing at approximately 280334MAR05 prior to assuming the guard mount duties.
 - b. The use and ROE of escalated force is part of the guard mount briefing.

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SUBJECT: AR 15-6(Shooting of Local National at the traffic Control point, Jafr As Sukr Bridge, Iraq)

- g) Where there lights available at the bridge?
 - a. There is no artificial light source positioned along the bridge (the lighting of the bridge is not a factor due to the incident occurring during daylight hours).
- h) What equipment is being utilized to maintain the bridge?
 - a. Warning signs (written in both Arabic and English)
 - b. Barriers to identify trigger lines and when the guard mount is to respond with escalated force.
 - c. Class IV Barrier Materials: Texas and Jersey Barriers and Concertina Wire.
 - d. Binoculars, Magnified optics for M16A2, M16A2, Bunker, MBITR Radio.
- i) When was the individual first sighted and by whom?
 - a. The individual was first observed just short of the verbal and visual warning line (approximately 20 meters from the verbal and visual warning line).
 - b. SP [REDACTED] first sighted the individual and alerted PFC [REDACTED]
- j) When was the use of direct fire as part of the escalated force ROE initiated?
 - a. The use of escalated force (warning shots fired in front of the individual) was first initiated approximately 10 meters past the warning shot trigger line.
- k) When were lethal fires initiated and when was cease-fire initiated?
 - a. Lethal fires were initiated once the individual had passed the kill fire line (approximately 30 meters passed the kill line).

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4. FINDINGS.

- a) All personnel involved in the incident acted in accordance with the "CFLCC Rules For Use Of Force" Card (as of 011800ZNOV03).
- b) The two soldiers (SP [REDACTED] and PFC [REDACTED]) acted in accordance with the CFLCC guidance in the use of "Escalation of Force" prior to utilizing direct fire. All shots were aimed (warning shots in front of the individual; lethal shot was focused at the individual).
- c) As soon as the satchel that the individual was carrying, was deemed not to be a threat immediate aide was rendered.
- d) The individual is a local resident and was aware of the bridge being closed for some time (Statement made by the individual's brother)
- e) The individual had the ability to read and write Arabic.
- f) The individual was not deaf or hearing impaired (statement made by the individual's brother)

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SUBJECT: AR 15-6(Shooting of Local National at the traffic Control point, Jafr As Sukr Bridge, Iraq)

5. RECOMMENDATION.

- a) The use of Tactical Phyops Team (TPT) to remind the local population the Jafr As Sukr Bridge is closed to all forms of traffic and that the use of deadly force can / will be utilized against all violators.
- b) Continue to reinforce the existing blocking materials with Class IV. Emplace additional concertina wire prior to both the warning shot line and killing line.
- c) Place a second sign at the warning shot line stating, "that deadly force is authorized for any and all traffic crossing this point".

Encl.

- (1) 15-6 Appointment Orders
- (3) Sworn Statements
- (4) Graphic representation of the incident (Story Board)
- (5) View of the Sniper position oriented north
- (5) Photos of Jafr As Sukr Bridge TCP


MAJ, AR
Executive Officer

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SWORN STATEMENT			
For use of this form, see AR 180-45; the proponent agency is ODCSOPS			
PRIVACY ACT STATEMENT			
AUTHORITY:		Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 /SSA/	
PRINCIPAL PURPOSE:		To provide commanders and law enforcement officials with means by which information may be accurately	
ROUTINE USES:		Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.	
DISCLOSURE:		Disclosure of your social security number is voluntary.	
1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
JSB	2005 03 29	14 07	
5. LAST NAME FIRST NAME MIDDLE NAME			7. GRADE/STATUS
[REDACTED]			E-3
6. ORGANIZATION OR ADDRESS			
A Co. 2/10 AR 1st Pkt.			
[REDACTED]			
[REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH.			
<p>On the morning of the 29th of March around 0630, I witnessed a person on foot walking from the east side of the bridge onto the west side. We had two trigger lines established on both sides of the bridge. The person was pass the two trigger line when I saw him. SPC [REDACTED] fired a warning shot to attempt to get the attention of the person so we can establish contact. We tried giving signals to wave him back to whatnot. The person stopped for a brief second and continued its path of travel. Then I decided to shoot him to disable, unfortunately he accidentally got hit on the shoulder and fell dead.</p> <p>- End -</p>			
10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT		PAGE 1 OF 1 PAGES
[REDACTED]			
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED			
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.			

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

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USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

Q. WHAT TWO TRIGGER LINES DEF THE EDGEVIAL PASS?

A. 1st trigger line was the Constantina wire with a big sign. 1st lines ~~was~~ purpose is for warnings, verbal or hand signals. 2nd trigger line would be 4 pillars on the bridge about 100m from the 1st line. Purpose of the 2nd line is for a warning shot in case the first line did not alert the individual. Pass the 2nd line would be shooting at the person atleast to injure.

Q. DID THE INDIVIDUAL ACKNOWLEDGE OR REACT TO THIS WARNING ^{THAT} WAS GIVEN BY SPC CLARK?

A. Yes. The individual stopped, looked at us, and kept on walking the same direction.

Q. DID YOU OR SPC [REDACTED] YELL ANY OR WAVE THIS INDIV. OFF FROM HIS PATH WHEN HE TURNING TO LOOK AT YOUR LOCATION?

A. Yes, we used verbal and hand signals to try to persuade the individual from moving any further.

Q. WHEN YOU ASKED AT THE INDIV. (REFUG) DID HE ATTEMPT TO TURN AROUND?

A. No, he just continued to walk his original path.

INITIALS OF PERSON MAKING STATEMENT

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STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____ at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

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SWORN STATEMENT			
For use of this form, see AR 190-45; the proponent agency is ODCSOPS			
PRIVACY ACT STATEMENT			
AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSW).			
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately			
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.			
DISCLOSURE: Disclosure of your social security number is voluntary.			
1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
JSB	2005 03 28	1400	
5. LAST NAME FIRST NAME MIDDLE NAME	6. SSN	7. GRADE/STATUS	
[REDACTED]	[REDACTED]	SPC/E-4	
8. ORGANIZATION OR ADDRESS			
A CO. 2/70 AR			
9. [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
<p>On the morning of March 28 2005, PFC [REDACTED] and myself observed an Iraqi man walking across the JSB. After yelling at the man to stop and get off the bridge he completely ignored us. I then fired a warning shot. The man stopped to look at us. We then yelled to the man again to get off the bridge. He ignored us and continued to cross. PFC [REDACTED] then fired a shot to disable the man. He aimed low but struck high, killing the man instantly. The Iraqi man was well past the two trigger lines setup for warning anyone from crossing the JSB. Trigger line one is verbal, two is warning shot.</p> <p><i>Nothing Follows</i></p> <p>[REDACTED]</p>			
10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT		PAGE 1 OF 1 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED			
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.			

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USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.		
STATEMENT OF _____ TAKEN AT _____ DATED _____		
B STATEMENT (Continued)		
INITIALS OF PERSON MAKING STATEMENT	PAGE	OF PAGES

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STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____ at _____

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGE _____ OF _____ PAGES

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SWORN STATEMENT			
For use of this form, see AR 190-45; the proponent agency is ODCSOPS			
PRIVACY ACT STATEMENT			
AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).			
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately			
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.			
DISCLOSURE: Disclosure of your social security number is voluntary.			
1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
Jafar Sakur Bridge (Iraq)	20050328		
5. LAST NAME	6. SSN	7. GRADE/STATUS	
[REDACTED]	[REDACTED]	E-5/SGT	
8. ASSIGNMENT/ORGANIZATION			
Aco 1-41 INF			
9. [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
<p>On About 0645 hrs this morning as I was getting ready for my watch, I heard a couple of soldiers yelling rather loudly. I paid no mind to it until a few moments later I heard a shot, and about 1-2 minutes after that I heard another shot. I finished dressing then went outside to inquire about the shots I heard. That is when I encountered SPC [REDACTED] and asked him about what was going on. He (SPC [REDACTED]) told me that he had fired a warning shot onto the Jafar Sakur bridge due to a man trying to cross. At that time he confirmed that PFC [REDACTED] fired another shot a few moments after his warning shot. This man had struck the man, and he was down according to SPC [REDACTED]. I went into the guard sleeping area and informed SSG [REDACTED] of the situation and got him involved. Myself and SSG [REDACTED] then called PFC [REDACTED] off the roof to ask him what had happened. He explained to me that the man was crossing the bridge from east to west and confirmed everything that SPC [REDACTED] had told me.</p>			
10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT		PAGE 1 OF 3 PAGES
	[REDACTED]		
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED			
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.			

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STATEMENT

TAKEN AT Jafer Sukor Bridge DATED 20050328

9. STATEMENT (Continued)

After talking to PFC [REDACTED] I went up on the roof of the water treatment building (where the shot was fired from) and looked through my binos and confirmed the man's body laying right in the middle of the bridge (over the river center).

I then called Avalanche X to report the incident. Avalanche X gave us guidance to follow. SSG [REDACTED] SPC [REDACTED] PFC [REDACTED] and myself got into a HUMVEE to assess the situation on the bridge.

Upon arriving on the ^{at} Bridge, SSG [REDACTED] and myself left SPC [REDACTED] and PFC [REDACTED] to stay with the vehicle while we secured the body. SSG [REDACTED] and myself checked the man for responsiveness and came to the conclusion he was dead.

We then allowed two locals up on the bridge for body recovery after the investigation. One gentleman identified himself as the man's brother.

Once Avalanche 6 (CPT [REDACTED]) showed up on the scene, 1LT [REDACTED] and himself took over the investigation. Moments later after conducting his (CPT [REDACTED]) investigation, SSG [REDACTED] and myself were relieved to go back to the water treatment plant.

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

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STATEMENT OF [REDACTED]

TAKEN AT Jeffer Saker Bridge DATED 2005 03 28

9. STATEMENT (Continued)

Nothing Follows

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AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____ at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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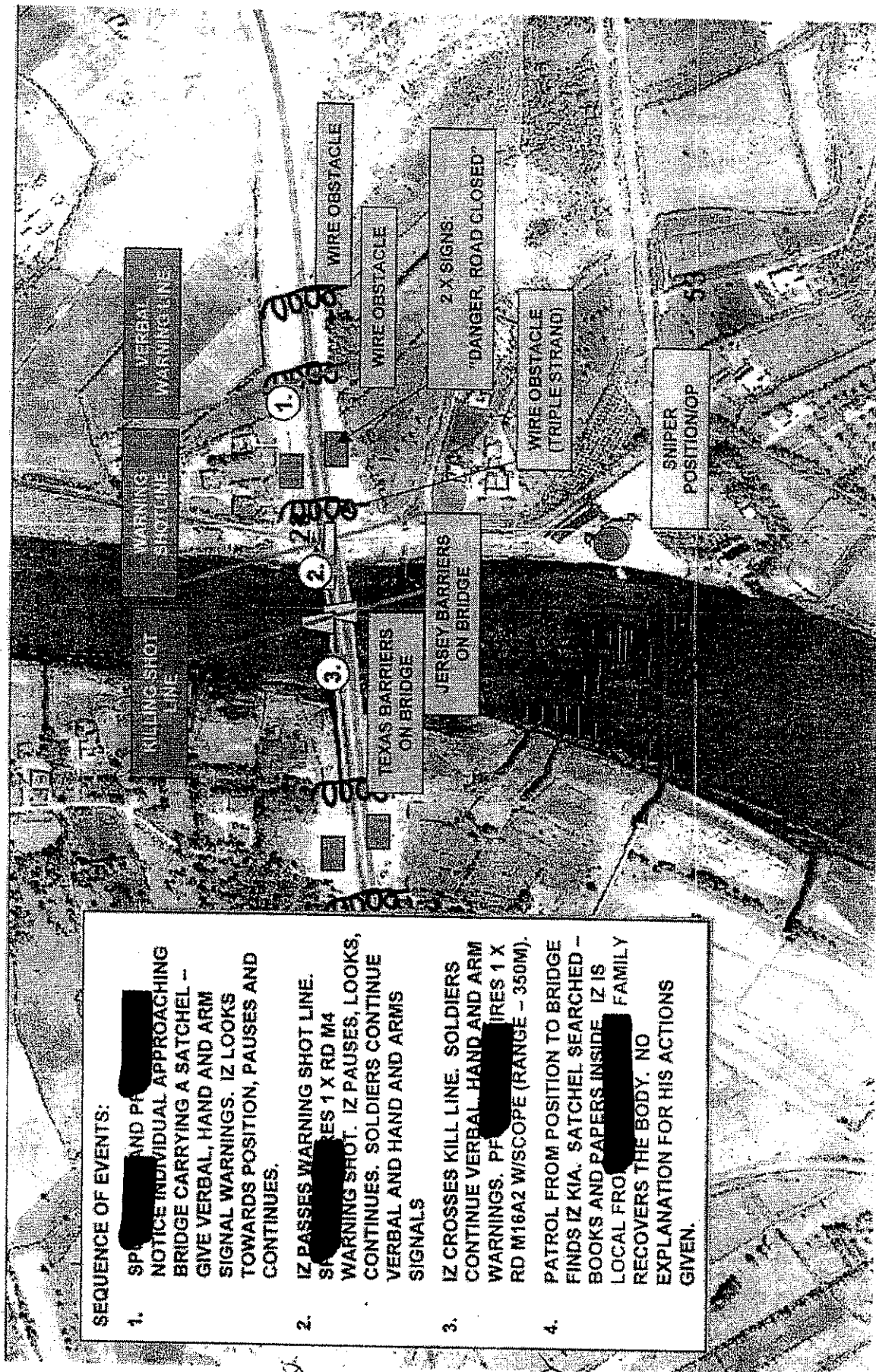
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SHOOTING AT JAFR AS SUKR BRIDGE

O/A 280630MAR05



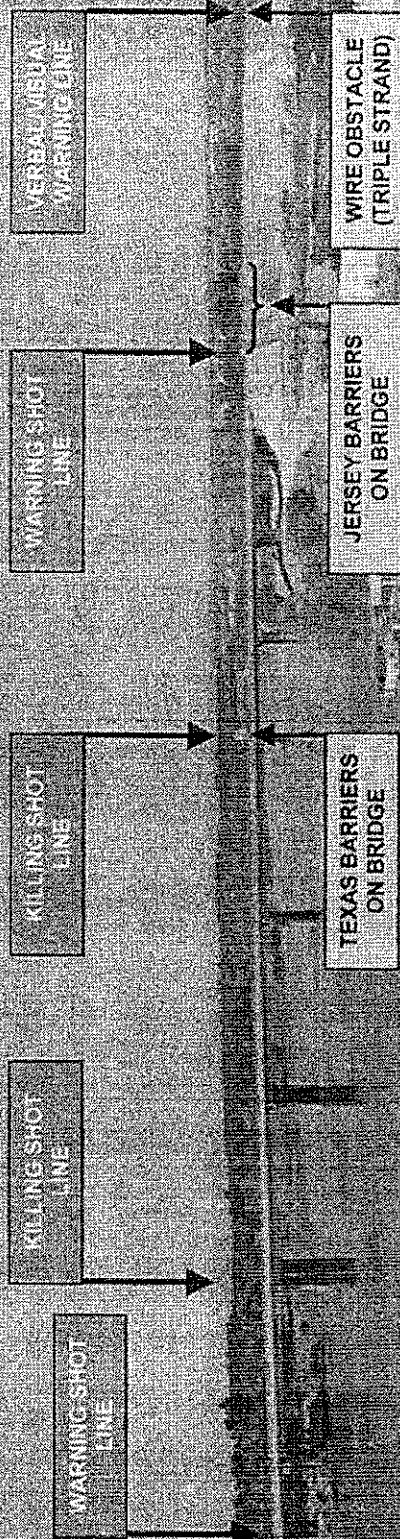
SEQUENCE OF EVENTS:

1. SP [REDACTED] AND PA [REDACTED] NOTICE INDIVIDUAL APPROACHING BRIDGE CARRYING A SATCHEL - GIVE VERBAL, HAND AND ARM SIGNAL WARNINGS. IZ LOOKS TOWARDS POSITION, PAUSES AND CONTINUES.
2. IZ PASSES WARNING SHOT LINE. SP [REDACTED] FIRES 1 X RD M4 WARNING SHOT. IZ PAUSES, LOOKS, CONTINUES. SOLDIERS CONTINUE VERBAL AND HAND AND ARMS SIGNALS
3. IZ CROSSES KILL LINE. SOLDIERS CONTINUE VERBAL, HAND AND ARM WARNINGS. PF [REDACTED] FIRES 1 X RD M16A2 W/SCOPE (RANGE - 350M).
4. PATROL FROM POSITION TO BRIDGE FINDS IZ KIA. SATCHEL SEARCHED - BOOKS AND PAPERS INSIDE. IZ IS LOCAL FROM [REDACTED] FAMILY RECOVERS THE BODY. NO EXPLANATION FOR HIS ACTIONS GIVEN.

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VIEW FROM SNIPER POSITION
(FACING NORTH)

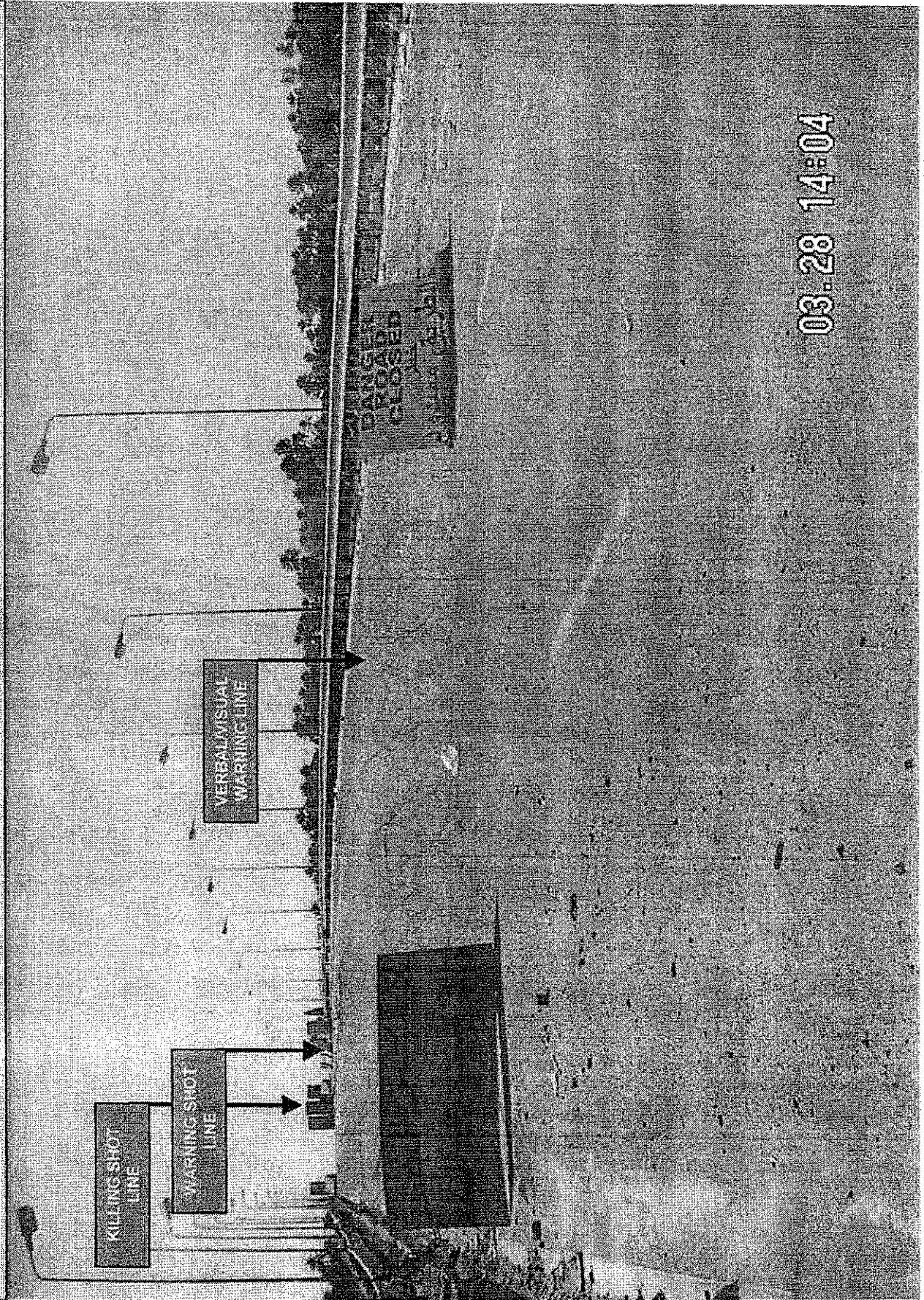


03.28 13:46

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VIEW FROM WARNING SIGNS FACING WEST (OVER BRIDGE)



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